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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Victor VASQUEZ-Godinez,** Defendant(s)	Magistrate Case No. '08 MJ 0838 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **March 15, 2008** within the Southern District of California, defendant **Victor VASQUEZ-Godinez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Andres REYES-Reyes, Claudia Angelica TELLEZ-Rodriguez, and Esteban RAMIREZ-Gonzalez,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF **MARCH, 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Victor VASQUEZ-Godinez

PROBABLE CAUSE STATEMENT

On March 15, 2008, United States Border Patrol Agent J. Weiss and Border Patrol Agent P. Gabaldon were performing assigned duties in Jacumba, California. Jacumba, California is approximately 25 miles east of the Tecate, California Port of Entry and near the United States/Mexico International Border. Agent Gabaldon was assigned to work an area known as O'Neil Valley. O'Neil Valley is located on the far eastern edge of San Diego County and is directly north of the United States/Mexico Border.

At approximately 9:20 p.m., The Boulevard Border Patrol Station received a citizen report of a group of possible undocumented aliens in the median of Interstate 8, a few miles east of Jacumba, California. This area is just north of O'Neil Valley. Border Patrol Agent P. Gabaldon responded to the area traveling eastbound on Interstate 8 Agent Gabaldon was able to observe several people load into a dark colored vehicle, along the westbound lanes on Interstate 8 near the Mica Gem Bridge. The Mica Gem Bridge on Interstate eight is approximately one mile north of the United States/Mexico International Border.

Agent Gabaldon notified other agents working in the area of his observations via Agency radio. Agent Gabaldon then tried to catch up to the vehicle. Agent Weiss, at that time, was at the Jacumba exit on Interstate 8 westbound, observing traffic. From the time Agent Gabaldon put out the information and the time Agent Gabaldon passed the Jacumba exit, Agent Weiss observed only five vehicles traveling westbound on Interstate 8. Only one was a dark colored vehicle matching the description of the vehicle the loaded. This vehicle was a dark colored Chevrolet Astro Van. Agent Weiss got behind the dark mini-van in an unmarked Agency vehicle for further observation. Agent Weiss noticed the van was riding low.

Agent Weiss requested a vehicle registration check using the mini-vans displayed license plate. Dispatch responded with the vehicle's registration of a 1990 Chevrolet Astro van out of Santa Ana, California. Border Patrol dispatch also notified Agent Weiss that the vehicle had a release of liability. It is a common alien smuggling tactic to use vehicles with releases of liability in an attempt to hide the identity of the smuggler or smugglers . Further, mini-vans are commonly used in alien smuggling operations due to the vehicle's ability to transport large numbers of people. The vehicle's registration was located in Santa Ana, California. Santa Ana is approximately 150 miles from Jacumba, California and a common destination of smuggled aliens. Due to all of these factors and the proximity of the United States/Mexico International Boundary, Agent Weiss requested the assistance of a marked Agency vehicle with full emergency equipment to perform a vehicle stop.
United States Border Patrol Agent B. Beaton responded and got behind the vehicle. At approximately 9:37 p.m., Agent Beaton engaged his emergency lights and siren in an attempt to stop the vehicle. The driver of the van did not stop and Agent Beaton informed dispatch he had a failure to yield. The vehicle then suddenly made an illegal u-turn through the median and began traveling eastbound on Interstate 8. A storm front had moved into the area and several inches of snow made the road conditions unsafe. The unsafe weather conditions combined with the driver's erratic behavior, Agent Beaton terminated his pursuit of the Astro van.

The Astro van continued eastbound on Interstate 8 for approximately eight miles. The van passed the Jacumba, California eastbound off-ramp at approximately 10 miles per hour. The driver then made an illegal u-turn on the interstate driving the wrong way down the Jacumba eastbound on-ramp to Interstate 8. Agent Weiss passed the Jacumba exit and stopped his vehicle at the end of the on-ramp to view the direction of travel of the van. As the vehicle approached Agent Weiss parked in his unmarked Agency vehicle, Agent Weiss noticed individuals jumping out of the Astro van while it was still in motion. Agent Weiss realized the van was in gear, with out a driver, and traveling right at his vehicle. The Astro van impacted the unmarked Agency vehicle in the passenger side door causing damage.

CONTINUATION OF COMPLAINT:
Victor VASQUEZ-Godinez

Agent Weiss quickly approached the van. There were nine individuals still inside the Astro van. Agent Weiss identified himself as a United States Border Patrol Agent. Agent Weiss performed an immigration inspection on all nine individuals. All nine individuals admitted to being citizens and nationals of Mexico illegally present in the United States.

Two individuals who fled the vehicle before it impacted the Agency vehicle were apprehended approximately 50 yards south of Interstate eight. Agent Weiss identified himself as a Border Patrol Agent and questioned the two subjects including one later identified as defendant **Victor VASQUEZ-Godinez**, as to their citizenship. Both individuals admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain in the United States legally. At approximately 9:50 p.m., all individuals were placed under arrest and transported to the Boulevard Border Patrol Station for processing.

DEFENDANT STATEMENT:

The defendant was advised of his Miranda rights and agreed to speak without a lawyer present. The defendant stated that he is present in the United States without any legal documents that will allow him to remain in the United States legally.

The defendant admits that on prior occasions he was being trained as a foot guide. The defendant stated that on this occasion he made arrangements to guide the group into the United States in lieu of paying the smuggling organization. The defendant said that when he worked as a foot guide he was offered $50.00 per person. The defendant stated that he was recruited in Tecate and El Hongo, Baja California, Mexico to become a foot guide. The defendant said that he does not know the names of the people that recruited him.

The defendant stated that there was another foot guide known as "Guero". Guero is 1.65 meters tall with light skin and brown straight hair. Guero wore blue jeans, white sneakers and a gray sweatshirt.

The defendant stated that he met the group at the United States/Mexico border fence. Eleven people, including the two guides, crossed as a group. The defendant stated that he planned to stay in the United States after guiding the group.

MATERIAL WITNESSES STATEMENTS:

The statements of material witnesses **Andres REYES-Reyes, Claudia Angelica TELLEZ-Rodriguez, and Esteban RAMIREZ-Gonzalez** agree in summary that they are citizens and nationals of Mexico and illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. The material witnesses stated that they were to pay between $1,800.00 to $2,500.00 U.S. dollars to be smuggled into the United States. REYES and TELLEZ were shown a set of pictures and they positively identified the defendant **Victor VASQUEZ-Godinez** as the foot guide of the group.